

October 28, 2004

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**IN THE SUPREME COURT OF THE STATE OF IDAHO**

**2004 Opinion No. 114**

<b>BRUCE E. DIRE,</b>	)	
	)	
<b>Plaintiff-Appellant,</b>	)	
	)	
<b>v.</b>	)	<b>Docket No. 30060</b>
	)	
<b>CRYSTAL B. DIRE-BLODGETT,</b>	)	
	)	
<b>Defendant-Respondent.</b>	)	
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Appeal from the District Court of the First Judicial District of the State of Idaho, Bonner County. Hon. Steve Verby, District Judge.

Bruce E. Dire, Ponderay, pro se plaintiff-appellant.

Cynthia A. Elliot, Sandpoint, for defendant-respondent.

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In a unanimous opinion, the Idaho Supreme Court affirmed the judgment of the magistrate judge. The magistrate court held that the parties' failure to procure a marriage license voided their marriage.

The parties began cohabitating in March 1998. On November 14, 1998, they participated in a wedding ceremony officiated by an acquaintance, who allegedly represented to the parties that he was a minister. Prior to the ceremony, they intentionally did not obtain a marriage license.

Bruce Dire (Dire) filed an action seeking divorce from Crystal Dire-Blodgett (Blodgett). Blodgett moved for summary judgment on the ground that absent a marriage license the parties did not have a valid marriage. The magistrate court granted summary judgment and this was affirmed by the district court. Dire appealed to this Court.



The issue before this Court was whether after January 1, 1996, a man and woman must obtain a marriage license in order to have a valid marriage. The Court looked to the legislative history of I.C. §§ 32-301, 32-301, and 32-302. Specifically the Court noted that the legislature amended these sections to mandate a marriage license in order to have a valid marriage after January 1, 1996. The issuance of a license and solemnization are now required for a valid marriage. The Court noted that it is within the power of the legislature of each state to control and regulate marriages within its jurisdiction. Thus, the Court upheld the decision of the magistrate court finding the marriage to be void for failure to procure a marriage license.